



General Assembly

Amendment

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Offered by:

SEN. DEFRONZO, 6th Dist.

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To: Subst. Senate Bill No. 623

File No. 453

Cal. No. 328

**"AN ACT CONCERNING THE RECOMMENDATIONS OF THE
DISABLED AND DISADVANTAGED EMPLOYMENT SECURITY
POLICY GROUP."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2006*) For the purposes of this
4 section and sections 2 to 4, inclusive, of this act:

5 (1) "Person with a disability" means any individual with a disability,
6 excluding blindness, as such term is applied by the Department of
7 Mental Health and Addiction Services, the Department of Mental
8 Retardation, the Bureau of Rehabilitation Services within the
9 Department of Social Services or the Veterans' Administration and
10 who is certified by the Bureau of Rehabilitation Services within the
11 Department of Social Services as qualified to participate in a qualified
12 partnership, as described in section 3 of this act;

13 (2) "Vocational rehabilitation service" means any goods and services
14 necessary to render a person with a disability employable, in
15 accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et
16 seq., as amended from time to time;

17 (3) "Community rehabilitation program" means any entity or
18 individual that provides directly for or facilitates the provision of
19 vocational rehabilitation services to, or provides services in connection
20 with, the recruiting, hiring or managing of the employment of persons
21 with disabilities based on an individualized plan and budget for each
22 worker with a disability;

23 (4) "Commercial janitorial contractor" means any for-profit
24 proprietorship, partnership, joint venture, corporation, limited liability
25 company, trust, association or other privately owned entity that
26 employs persons to perform janitorial work, and that enters into
27 contracts to provide janitorial services;

28 (5) "Janitorial work" means work performed in connection with the
29 care or maintenance of buildings, including, but not limited to, work
30 customarily performed by cleaners, porters, janitors and
31 handypersons;

32 (6) "Janitorial contract" means a contract or subcontract to perform
33 janitorial work for a department or agency of the state; and

34 (7) "Person with a disadvantage" means any individual who is
35 determined by the Labor Department, or its designee, to be eligible for
36 employment services in accordance with the Workforce Investment
37 Act or whose verified individual gross annual income during the
38 previous calendar year was not greater than two hundred per cent of
39 the federal poverty level for a family of four.

40 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of
41 Administrative Services shall establish a pilot program, for a term of
42 four years, to create and expand janitorial work job opportunities for
43 persons with a disability and persons with a disadvantage. Such pilot

44 program shall consist of four identified projects for janitorial work. The
45 program shall create a minimum of sixty full-time jobs or sixty full-
46 time equivalents at standard wages for persons with disabilities and
47 persons with disadvantages and have a total market value for all
48 janitorial contracts awarded under the program of at least three million
49 dollars. In establishing such pilot program, the Commissioner of
50 Administrative Services may consult with the Commissioner of Social
51 Services and the Labor Commissioner.

52 (b) Notwithstanding any other provision of the general statutes,
53 under such pilot program, the Commissioner of Administrative
54 Services shall award four janitorial contracts, one for each identified
55 project, pursuant to the following procedures: (1) Upon receipt of a
56 request for janitorial services by an agency or department of the state,
57 the Commissioner of Administrative Services shall notify each
58 qualified partnership, as described in section 3 of this act, of such
59 request and invite each qualified partnership in good standing to
60 submit a bid proposal for such janitorial contract to the commissioner
61 in a manner and form as prescribed by the commissioner; (2) in the
62 event that only one such qualified partnership submits a bid for such
63 janitorial contract, the commissioner shall award such contract to the
64 bidding qualified partnership, provided such bid does not exceed the
65 fair market value for such contract, as determined by the
66 commissioner; (3) if more than one qualified partnership submits a bid,
67 the commissioner shall award the contract to the lowest responsible
68 qualified bidder, as defined in section 4a-59 of the general statutes; and
69 (4) in the event that a qualified partnership does not submit a bid or is
70 not awarded such contract, the commissioner shall award such
71 contract in accordance with the provisions of sections 4a-59 and 17b-
72 656 of the general statutes, as amended by this act.

73 (c) Notwithstanding any other provision of the general statutes, the
74 responsibilities of the Commissioner of Administrative Services, as
75 established in subsections (a) and (b) of this section, may not be
76 delegated to an outside vendor.

77 (d) The Commissioner of Administrative Services may adopt
78 regulations, in accordance with the provisions of chapter 54 of the
79 general statutes, to undertake the requirements established in this
80 section.

81 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) The Connecticut
82 Community Providers Association shall designate a commercial
83 janitorial contractor and a community rehabilitation program as a
84 "qualified partnership" whenever the following criteria have been
85 established: (1) Such commercial janitorial contractor has entered into a
86 binding agreement with such community rehabilitation program in
87 which such contractor agrees to fill not less than one-third of the jobs
88 from a successful bid for a janitorial contract under the pilot program
89 established in section 2 of this act with persons with disabilities and
90 not less than one-third of such jobs with persons with a disadvantage;
91 (2) such contractor employs not less than two hundred persons who
92 perform janitorial work in the state; and (3) such contractor certifies, in
93 writing, that it will pay the standard wage to employees, including
94 persons with disabilities, under such janitorial contract. Any
95 partnership between a commercial janitorial contractor and a
96 community rehabilitation program that has been denied designation as
97 a qualified partnership may appeal such denial, in writing, to the
98 Commissioner of Administrative Services and said commissioner may,
99 after review of such appeal, designate such program as a qualified
100 partnership.

101 (b) The requirement established in subsection (a) of this section to
102 fill not less than one-third of the jobs from a successful bid for a
103 janitorial contract with persons with disabilities and one-third with
104 persons with a disadvantage shall be met whenever such janitorial
105 contractor employs the requisite number of persons with disabilities
106 and persons with a disadvantage throughout the entirety of its
107 operations in the state provided any persons with disabilities
108 employed by such janitorial contractor prior to the commencement
109 date of any such contract shall not be counted for the purpose of
110 determining the number of persons with disabilities employed by such

111 janitorial contractor.

112 (c) The number of persons with disabilities and the number of
113 persons with a disadvantage that such janitorial contractor is required
114 to employ pursuant to the provisions of subsection (a) of this section
115 shall be employed not later than six months after the commencement
116 of janitorial work under the terms of any contract awarded pursuant to
117 the provisions of section 2 of this act, provided such contractor shall fill
118 any vacancy for janitorial work that arises during the first six months
119 of any such contract with persons with disabilities and persons with
120 disadvantages.

121 (d) The Connecticut Community Providers Association shall
122 develop an application process and submit a list of employees who
123 have applied to participate in a partnership to the Bureau of
124 Rehabilitation Services for certification. Such association shall maintain
125 a list of certified employees who are persons with disabilities and
126 community rehabilitation programs.

127 (e) Any qualified partnership awarded a janitorial contract pursuant
128 to the provisions of section 2 of this act, shall provide to the
129 Connecticut Community Providers Association, not later than six
130 months after the commencement date of such contract, a list of the
131 persons with disabilities and persons with a disadvantage employed
132 by such contractor that includes the date of hire and employment
133 location for each such person. Such association shall certify to the
134 Department of Administrative Services, in such manner and form as
135 prescribed by the Commissioner of Administrative Services, that the
136 requisite number of persons with disabilities for such contract continue
137 to be employed by such contractor in positions equivalent to those
138 created under such janitorial contract and have been integrated into
139 the general workforce of such contractor.

140 (f) Notwithstanding any other provision of the general statutes, the
141 responsibilities of the Bureau of Rehabilitation Services, as established
142 in this section, may not be delegated to an outside vendor.

143 (g) The Commissioner of Social Services may adopt regulations, in
144 accordance with the provisions of chapter 54 of the general statutes, to
145 undertake the certification requirements established pursuant to this
146 section.

147 (h) Notwithstanding the provisions of subsection (a) of this section,
148 the Commissioner of Administrative Services shall authorize certified
149 small and minority business to participate in such pilot program.

150 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) During the term of the
151 pilot program described in section 2 of this act, the joint standing
152 committee of the General Assembly having cognizance of matters
153 relating to government administration shall study the effectiveness of
154 such pilot program, including, but not limited to, the effectiveness of
155 such program to create integrated work settings for persons with
156 disabilities. Additionally, said committee shall study the need to make
157 such pilot program permanent and ways to provide incentives for
158 municipalities and businesses to utilize such pilot program if such
159 program is determined by the committee to be effective.

160 (b) During the term of the pilot program described in section 2 of
161 this act, any contract awarded pursuant to section 17b-656 of the
162 general statutes, as amended by this act, shall remain in effect with no
163 changes in the formula for fair market value. Additionally, any new
164 janitorial contract awarded pursuant to section 17b-656 of the general
165 statutes, as amended by this act, shall be limited to not more than four
166 full-time employees per contract.

167 (c) Any person employed under a janitorial contract let: (1) On or
168 before October 1, 2006, or thereafter if such contract constitutes a
169 successor contract to such janitorial contract let on or before October 1,
170 2006, and (2) pursuant to section 4a-57 or 10a-151b of the 2006
171 supplement to the general statutes, or by the judicial or legislative
172 departments or pursuant to section 2 of this act shall have the same
173 rights conferred upon an employee by section 31-57g of the general
174 statutes, as amended by this act, for the duration of the pilot program

175 described in section 2 of this act. The provisions of this subsection shall
176 not apply to any new janitorial contract with not more than four full-
177 time employees per contract, as described in subsection (b) of this
178 section.

179 Sec. 5. Section 17b-656 of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2006*):

181 Whenever any products made or manufactured by or services
182 provided by persons with disabilities through community
183 rehabilitation programs described in subsection (b) of section 17b-655
184 or in any workshop established, operated or funded by nonprofit and
185 nonsectarian organizations for the purpose of providing persons with
186 disabilities training and employment suited to their abilities meet the
187 requirements of any department, institution or agency supported in
188 whole or in part by the state as to quantity, quality and price such
189 products shall have preference over products or services from other
190 providers, except (1) articles produced or manufactured by blind
191 persons under the direction or supervision of the Board of Education
192 and Services for the Blind as provided in section 10-298a, as amended,
193 (2) articles produced or manufactured by Department of Correction
194 industries as provided in section 18-88, [and] (3) emergency purchases
195 made under section 4-98, and (4) janitorial services provided by a
196 qualified partnership, pursuant to the provisions of section 2 of this
197 act. All departments, institutions and agencies supported in whole or
198 in part by the state shall purchase such articles made or manufactured
199 and services provided by persons with disabilities from the Bureau of
200 Rehabilitation Services of the Department of Social Services. Any
201 political subdivision of the state may purchase such articles and
202 services through the Bureau of Rehabilitation Services of the
203 Department of Social Services. A list describing styles, designs, sizes
204 and varieties of all such articles made by persons with disabilities and
205 describing all available services provided by such persons shall be
206 prepared by the Connecticut [Association of Rehabilitation Facilities]
207 Community Providers Association. The Bureau of Rehabilitation
208 Services of the Department of Social Services shall cooperate with the

209 State Board of Education and Services for the Blind by submitting
210 necessary information concerning such products and services to the
211 Board of Education and Services for the Blind at frequent intervals.

212 Sec. 6. Section 4a-57 of the general statutes is amended by adding
213 subsection (f) as follows (*Effective October 1, 2006*):

214 (NEW) (f) Nothing in this section shall be construed to apply to the
215 award of janitorial contracts pursuant to the provisions of section 2 of
216 this act.

217 Sec. 7. Section 4a-60g of the general statutes is amended by adding
218 subsection (p) as follows (*Effective October 1, 2006*):

219 (NEW) (p) Nothing in this section shall be construed to apply to the
220 four janitorial contracts awarded pursuant to section 2 of this act.

221 Sec. 8. Subsection (c) of section 31-57g of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective*
223 *October 1, 2006*):

224 (c) (1) An employee displaced or terminated in violation of this
225 section, or such employee's collective bargaining representative, may
226 bring an action in Superior Court against the awarding authority, the
227 terminated contractor or the successor contractor, jointly or severally,
228 to recover damages for any violation of the obligations imposed under
229 this section.

230 (2) If the employee prevails in such action, the court may award the
231 employee (A) back pay, including the value of benefits, for each day
232 during which the violation continues, that shall be calculated at a rate
233 of compensation not less than the higher of (i) the average regular rate
234 of pay received by the employee during the last year of employment in
235 the same job occupation classification, or, if the employee has been
236 employed for less than one year, the average rate of pay for the
237 employee's entire employment multiplied by the average number of
238 hours worked per day over the last four months of employment

239 preceding the date of the violation, or (ii) the final regular rate of pay
 240 received by the employee at the date of termination multiplied by the
 241 average number of hours worked per day over the last four months,
 242 and (B) reinstatement to the employee's former position at not less
 243 than the most recent rate of compensation received by the employee,
 244 including the value of any benefits.

245 (3) If the employee prevails in such action, the court shall award the
 246 employee reasonable attorney fees and costs.

247 (4) Nothing in this subsection shall be construed to limit an
 248 employee's right to bring a common law cause of action for wrongful
 249 termination against the awarding authority, the terminated contractor
 250 or the successor contractor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	17b-656
Sec. 6	<i>October 1, 2006</i>	4a-57
Sec. 7	<i>October 1, 2006</i>	4a-60g
Sec. 8	<i>October 1, 2006</i>	31-57g(c)